

**Office of Administrative Hearings  
Special Education Advisory Committee**

**OAH Response to Recommendations from May 10, 2013 Meeting**

The Office of Administrative Hearings (OAH) Special Education Advisory Committee met in a joint meeting on May 10, 2013, in Sacramento and Van Nuys. The meeting was conducted via videoconference and was also available to the public through a webcast accessed on OAH's web site. The joint meeting followed one agenda. During the course of the meeting, the Committee voted to make several recommendations to change or improve OAH's processes. After reviewing and considering the recommendations, OAH provides this response:

**Attendance and Expectations of Advisory Committee Members:**

*First Recommendation:* The Advisory Committee recommended that OAH adopt a procedure allowing a member who is unable to attend a meeting to identify a designee, who has already been vetted by OAH, to attend the meeting.

OAH does not adopt this recommendation. OAH shares the Committee's concern about the need to ensure a quorum is present at each meeting. Because the Committee meets only twice a year, it is important to have continuity between meetings. Allowing members to identify a designee to attend a meeting may erode continuity and may have the undesired effect of making it easier for members to miss meetings. OAH clearly states the expectations of members in information provided on the web site. It states, "Advisory Committee members are expected to attend their regional meetings in the fall and spring and may be consulted between meetings." In addition, in her letter appointing members to the Committee this year, OAH Director Linda Cabatic emphasized how important it is to attend all of the scheduled meetings. In addition, OAH has adopted two new policies to help encourage attendance at meetings. A member who is unexpectedly unable to attend a meeting must contact Division Presiding Administrative Law Judge Judith Kopec as soon as possible. If a member fails to attend two meetings, the member may be removed from the Committee. In the past, if a member resigned from the Committee, OAH replaced the person with someone who submitted an application to serve on the Committee during the immediately prior application period. If OAH removes a member from the Committee, it will follow the same process.

*Second Recommendation:* The Committee recommended that OAH select alternate Committee members from each location who may attend the meeting if a member is unable to attend. The alternate member would be required to have the same relationship to special education matters (e.g., a student, parent, student's or parent's advocate or attorney; or a district's representative, advocate or attorney) as the member who is unable to attend.

OAH does not adopt this recommendation for the same reasons as the first recommendation. Members are reminded of the importance of attending all meetings when they are selected. It is anticipated that the new policy allowing OAH to remove members who do not attend two meetings will successfully ensure a quorum, and will allow a new member to be appointed if meetings are missed.

*Third Recommendation:* The Committee recommended that OAH post a member's relationship to special education matters on its web site. For example, each member would be identified as

a student, parent or a student's or parent's advocate or attorney, or a district's employee, representative, advocate or attorney.

OAH adopts this recommendation. A list of Committee members and contact information is posted on OAH's web site and it will be revised to include each member's relationship to special education matters. Including each member's role in special education matters may encourage wider participation in Committee meetings.

*Fourth Recommendation:* The Committee recommended that each member sign a statement indicating the member understands the responsibilities of members on the Committee, including a commitment to attend all meetings and a requirement that a member must give prior notice to OAH if the member is unable to attend a meeting.

OAH adopts elements of this recommendation. OAH adopts the recommendation to clarify a member's responsibility to regularly attend Committee meetings and to give prior notice to OAH if a member is unable to attend a meeting. OAH does not adopt the recommendation that members be required to sign a statement concerning these responsibilities. The expectations of a member are clearly stated in the application materials. By signing and submitting an application to be on the Committee, each member has indicated his or her understanding of, and agreement to comply with, the expectations of membership.

### **Increasing Outreach to Unrepresented Parents about OAH Processes**

The Committee recommended that OAH begin doing outreach to the community and consider using members in the outreach activities.

OAH adopts the spirit of this recommendation. OAH previously engaged in community outreach to inform the public about special education mediation and hearing procedures. This was discontinued as a result of the State's significant budget challenges. OAH is committed to providing information to the public, especially students and families, concerning its special education dispute resolution procedures. OAH has developed a variety of resources that are accessible on its web site. OAH special education staff are available to provide non-legal information to the public. OAH is revising its forms to clearly explain its procedures for all parties, but especially those who are not represented by attorneys. In addition, OAH is looking for cost-effective ways to provide outreach to the public concerning special education dispute resolution. For example, OAH is developing a video that will provide an overview of the special education hearing process. The Committee's recommendation to include members in OAH's outreach efforts is greatly appreciated. OAH will consider using members as valuable resources as additional outreach efforts are developed.

### **Identification of Mediator in Initial Scheduling Order**

The Committee recommended that OAH no longer identify the assigned mediator in the initial scheduling order and indicate that the mediator will be determined (e.g., by using "TBD" in place of the mediator's name in the order).

OAH has adopted the recommendation. The initial scheduling order does not identify a mediator. Instead of using "TBD" as recommended by the Committee, the scheduling order states, "To be assigned."